

## **TENNESSEE MASSAGE LICENSURE BOARD**

### **MINUTES**

**Date:** February 12 & 13, 2004

**Time:** 9:00 a.m. C.S.T.

**Location:** Cumberland Room  
First Floor, Cordell Hull Building  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37247-1010

**Members Present:** Steve Harper, LMT, Chair  
Don Beard, LMT, Secretary  
Phyllis Salyers, LMT  
Debra Hicks, LMT  
Effie Woods

**Members Absent:** Myra Stuart  
Robert Hembree

**Staff Present:** Karen Robinson, Board Administrator  
Robbie Bell, HRB Director  
Dianne Birkner, Unit Manager  
Nichole Armstrong, Advisory Attorney  
Julie Pablo, Litigating Attorney  
Jerry Kosten, Regulations Manager  
Lea Phelps, Investigations

A quorum being present, the meeting was called to order at 9:10 a.m.

#### **Contested Case – Licensure Denial Appeal - Candace Harrison**

Ms. Harrison appeared before the Board to appeal licensure denial as a Massage Therapist. Ms. Harrison was represented by her attorney Clark Shaw. Ms. Julie Pablo represented the State and Judge Steve Darnell presided over the appeal.

After Ms. Harrison's attorney presented his client's case to the Board, Ms. Harrison testified on her behalf stating she was guilty of the felony theft conviction and has paid all restitution and has completed the three years of probation. The Board members asked Ms. Harrison numerous questions regarding the felony theft conviction and her past and present life style.

At the conclusion of the appeal, Judge Steve Darnell informed the Board that they were the authority in interpreting their rules and pursuant to the Administrative Procedures Act needed to determine the finding of fact, conclusions of law, and policy reason for their decision. After

discussion of the case between Board members, Ms. Hicks made a motion to approve Ms. Harrison for licensure which was seconded by Ms. Salyers. The Motion Carried.

### **Contested Case – Unlicensed Massage Establishment – Janice Thompson**

Ms. Thompson appeared before the Board to give explanation of working in an unlicensed massage establishment from approximately August 2001 through February 2002, when the establishment closed it's doors. After the Board members asked Ms. Thompson numerous questions regarding the unlicensed massage establishment, rules and regulations, statues, a motion was made by Ms. Salyers and seconded by Ms. Hicks to adopt the allegations of fact, causes of action, and access a civil penalty of \$500.00. The motion carried.

Mr. Harper stated that this action was taken to uphold the law, safety and welfare of the public.

### **Contested Case – Unlicensed Massage Therapist – Margaret Green**

Ms. Green appeared before the Board to give explanation of working without a valid license as a Massage Therapist from October 1, 2001 to November 16, 2001. After the Board asked Ms. Green numerous questions regarding her working without a valid license, rules and regulations, statues, a motion was made by Ms. Hicks and seconded by Mr. Beard to adopt the allegations of fact, causes of action, and access a civil penalty of \$50.00. Ms. Hicks voted no to the \$50.00 civil penalty. The motion carried.

Mr. Harper stated that this actin was taken to uphold the law, safety and welfare of the public.

### **Adjourned**

Mr. Harper adjourned the Board meeting at 5:00 p.m. until the next day, February 13, 2004.

### **Board Meeting Continued From February 12, 2004**

A quorum being present, the meeting was called to order at 9:02 a.m. on February 13, 2004.

The meeting opened up with the following Board members.

Steve Harper, Chairman  
Debra Hicks  
Effie Woods  
Phyllis Salyers

The following Board members were not present at the meeting.

Don Beard, Secretary  
Myra Stuart  
Robert Hembree

## **Minutes**

A motion was made by Ms. Hicks and seconded by Ms. Salyers to approve the minutes of the November 3, 2003 meeting as submitted. The motion carried.

## **File Reviews**

Schlundra Stewart – Ms. Stewart could not appear before the Board to explain the 2000 DUI misdemeanor conviction. Ms. Stewart has completed an assessment for alcohol dependency on January 12, 2004 with Lighthouse Professional Services, Inc. Ms. Diann Smithson, Executive Director of Lighthouse Professional Services, Inc. submitted a letter stating the evaluator determined that Ms. Stewart does not meet the criteria for alcohol dependency and does not need further treatment. A motion was made by Ms. Salyers and seconded by Ms. Hicks to approve Ms. Stewart's application. The motion carried.

Aimee Donahue – Ms. Donahue was not present at the Board meeting. Ms. Donahue's transcript shows 50 hours of Anatomy and Physiology which is 150 hours short of Tennessee's requirements. A motion was made by Ms. Salyers and seconded by Ms. Woods to deny Ms. Donahue's application. The motion carried.

La Wanda Allen – Ms. Allen is requesting the Board to issue a temporary license until she passes the National Certification Board for Therapeutic Massage and BodyWork examination (NCBTMB). A motion was made by Ms. Salyers and seconded by Ms. Hicks not to approve Ms. Allen's request for a temporary license. The motion carried.

Karen Crawford – The Board reviewed her application. A motion was made by Ms. Woods and seconded by Ms. Hicks to approve Ms. Crawford for licensure. The motion carried.

Angel Crawford – The Board reviewed her application. A motion was made by Ms. Hicks and seconded by Ms. Salyers to deny the application due to Ms. Crawford not meeting the deadline set out in the rules of July 1, 2003 that requires the National Certification. The motion carried.

## **Administrative Report**

Ms. Robinson presented the statistical report which indicated the following:

### **Statistical Report**

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
Active Licensees - 3218	Active Licensees - 704
Retired Licensees— 261	Retired Licensees – 66
Failed to Renew - 798	Failed to Renew - 152

### **Performance Measures**

<b>Performance Measure</b>	<b>Goal</b>	<b>Jan. – June 2003</b>	<b>July – Dec. 2003</b>	<b>Average</b>
Renewal Processing Time	14 days	0.1 days	6.5 days	0.1
Application Processing Time	100 days	196.9 days	236 days	14.6

The application processing time is directly relative to the length of time it takes to receive verification from the (NCBTMB).

Ms. Robinson reported that nineteen licensees had renewed their licenses online in the month of January 2004. This is a usage rate of 18% versus an overall usage rate of 22% for all professions.

Ms. Robinson reported there has been some lessening of the restrictions on travel and purchasing. Travel, purchasing and hiring are being approved on a case-by-case request, if there is a conference that a Board member would like to attend, please let the Administrative Office know so we can request appropriate authorization. We cannot guarantee any request will be approved, but we will submit the paper work.

### **Continuing Education Audit**

Ms. Robinson reported the continuing education audit for the 2002 calendar year is continuing. Previously, the Board had voted on a penalty of one hundred fifty dollars (\$150) and the completion of six hours of additional continuing education. Ten percent (10%) of those responding did not have the appropriate amount of continuing education and twenty eight (28%) of those audited did not respond. We have mailed the second request via certified mail to those not responding.

Ms. Robinson reported the new toll free telephone number is 1-800-778-4123.

### **Internet**

Ms. Robinson reported the application has been updated on the internet, and the updated rules regulations and statues are on the internet. The request was made to the Board to visit the website and let the Administrative Office know if any changes need to be made, or add anything under the noteworthy section.

### **Peer Assistance**

Ms. Diann Smithson, Director, Lighthouse Professional Services gave an oral report that the peer assistance program is much more than she expected, not that Lighthouse could not handle the services, it was very overwhelming the type of calls Lighthouse was receiving for services from licensees. Ms. Smithson reported a second mailing will go out about different types of services Lighthouse offers. Ms. Smithson reported she will submit a letter for the Board to send out. The Board requested a written report for the next Board meeting.

## **Inspections**

Mr. Scott Baily, State Inspector for massage establishments, reported that some owners do not show up for the appointments that are made for him to inspect their establishment and don't call him to report that they will not be available for the appointments. Mr. Baily state that this has become very costly for him and time wasted.

The Board requested to place fines on the establishment owners that do not show up or call Mr. Baily to notify him that they will not be available for the inspection appointment. The Board requested this subject to be placed on the agenda for the next Board meeting. The motion was made by Ms. Hicks and seconded by Ms. Salyers. The motion carried.

## **Contracts**

A motion was made by Ms. Hicks and seconded by Ms. Woods to extend the contracts for Mr. Scott Baily, State Inspector for massage establishments and Mr. Diann Smithson, Director, Lighthouse Peer Assistance Program for one year. The motion carried.

## **Rules**

Mr. Kosten presented a rulemaking hearing held on December 23, 2003 of rules that are being proposed by the Office of General Counsel, for all Boards, which would require mandatory appearances by disciplined licensees at the end of their disciplinary periods. The rules outlines when a licensee may request an order modification. The rule also outlines a procedure where a licensee must prove compliance with their orders. A motion was made Ms. Hicks and seconded by Ms. Salyers to approve the rules. The motion carried.

Mr. Kosten presented a rulemaking hearing held on January 16, 2004 of rules to clarify prohibited therapeutic treatments not within the scope of practice of massage therapist, therapeutic treatments to the anus and anal canal, but not limited too colonic irrigations, and enemas and therapeutic vaginal massage; therapeutic breast massage preformed only with same sex massage therapist with a written consent form. A motion was made by Ms. Hicks and seconded by Ms. Salyers to adopt the rules as amended. The motion carried.

A motion was made by Ms. Salyers and seconded by Ms. Hicks to request a rulemaking hearing to correct the course curriculum of the Allied Modalities to eighty five (85) hours, ten (10) hours of Ethics, and five (5) hours of Board Law. The motion carried.

The Board requested a rulemaking hearing to amend the application process time from sixty (60) days to ninety (90) days before the application is closed. The motion was made by Ms. Hicks and seconded by Ms. Woods. The motion carried.

## **Office of General Counsel (OGC)**

Ms. Nichole Armstrong reported the rulemaking hearings of rule 0870-1.-13, 12-23-2003 and rule 0870-1-.02, 04,.11, .19, 1-16-2003 are to be presented at this Board meeting. The rule 0870-1-.04,

.05, .07, Licensure Process and housekeeping changes are presently at the Attorney General's office for approval. Ms. Armstrong reported that three (3) cases to be presented during this meeting.

Ms. Armstrong then reminded the Board of their responsibilities under the conflict of interest policy.

### **Investigative Report**

Ms. Phelps presented the Investigative Report which indicates 22 cases are currently under investigation. There is 1 licensee on probation which will expire 5-5-2004.

### **Ratifications**

A motion was made by Ms. Hicks and seconded by Ms. Salyers to approve the newly licensed massage therapists and massage establishments. The motion carried.

### **Massage Establishments**

Acropolis Hair Studio  
Allergy and Health of Knoxville  
Appalachian Healing Arts  
Athena of Nashville, Inc.  
Body by Design  
Body Zone Massage Therapy  
Bodyworks  
Carol Hirst, L.M.T.  
Elaine's Salon  
Endless Summer  
Etc. Day Spa  
Full Salon Nail and Spa  
George Takaeda LMT  
Heart in Hands Massage Therapy  
Heavenly Hands Therapeutic Massage  
Imprimis Day Spa  
Integrative Massage and Bodywork  
Knoxville Dermatology Group At Ft  
Lavender Crossing  
LCW Company, LLC DBA Merle Norman  
Linden Massage  
Madison  
Massage Matters  
Maylill's Massage Therapy Center  
Melicia D. Palmer, LMT – In Touch M

Miller – Motte Massage and Bodywork  
Na'Soj a Nail and Massage Studio  
New Age Skin Care Spa and Salon  
Pain Clinic Physical Therapy  
Perfect Touch Massage Therapy  
Precious Jewels Massage Studio  
R.A.D. Enterprises  
Salon Masi Inc.  
Signature Design Styling Salon  
Slender Lady of Johnson City  
Smoky Mountain Massage Therapy  
Sports Village, Inc.  
Sue Morris, LMT  
Sunny Nails and Day Spa  
Tangerine, Inc.  
The Maple Leaf  
The Oaks Castle-Center for Integr  
The Relaxation Station  
The Skin Retreat  
Time Out Therapeutics  
Webster Ent Inc. DBA Apollo Hair  
Wendy's Massage and Nails  
West Tennessee Eye Care, PC DBA T  
Blue River Canyon Day Spa and Store  
Mind and Body Works

### **New Licenses**

Sherry Dale Adkins  
Penny Ann Alford  
Keri Gayl Barnes  
Alicia Delle Batey  
Steven Ira Berkson  
Tracy Lois Bishop  
Meredith Kristin Boehm  
Kishon Nicole Bruner  
Christina A. Carey  
Stacy Nicole Chavez  
Beth A. Childers  
Kimberly Blevens Cowden  
Sabine Gabriele Duncan  
Melanie Ann Dunivan  
Jessica Nicole Elder  
Jason Carroll Ellis  
Kelli Aileen Foster  
Jamie D. Fowler  
Elizabeth Michele Gardner  
Philip Andre Gelinas  
Karen Renee Goosie  
Tabitha Lee Guasta-Causey  
Jamie Sue Hill  
Kathleen J. Hogan  
Paul Lewis Honebrink  
Virginia M. Hooper  
Jessica Suzanne Howard  
Kari Lynn Jenkins  
Christine Elaine Johnston  
Shonna Nicole Jones  
Marilyn Miller Joy  
Jennifer R. Kivett  
Sarah Joyce Lahti  
Barbara Jean Lancaster  
Jill Aline Langley  
Amy Nicole Lawrence  
Jana Livoncova

Charles Thomas Llyod  
Bret Alan Lonow  
Amy Renee Marcantel  
Dawn Marie Martin  
Sharon Renee McCormick  
Tammy Lynn Montgomery  
Ann Patrice Mora  
Lesley Paige Morell  
Cathy Lynn Munson  
Sherry Lynn Needham  
Tracey Lee Owen-Faw  
Darby L. Parham  
Nina Lynn Phillips  
Holly Diane Platt  
Sandra Maria Ritchey  
Matthew David Roberts  
Malea Lynn Sampsel  
Jill C. Sayler  
Karen F. Scanlan  
Carmen D. Sewell  
Ronnie Lee Spain  
Kristi R. Springer  
Cheyenne Renee' Stallings  
Crystal Leanne Stevens  
Kathleen Anne Stillman  
Rebecca Ann Sykes  
Victoria Ashley Tavino  
Tina Roxanne Tuberville  
Jenna C. Vaad  
Jerry Lynn Venis  
Jessica Marie Wade  
Bobbie Lynn Westmoreland  
Benjamin Leland Williams  
Brenda Deloris Williams  
Katherine Joy Willis  
Shannon Leah Wise  
Margaret Caroline Wortham

### **Reinstated**

Jennifer Michele Burchett Hohenwald  
Parley Edward Caldwell  
Melvin Ray Goodman Sr.  
Tina Maureen McMillan

Jennifer C. Schmidt  
Catherine A. Thomas  
Russell Dean Turner  
Kevin Scott Watkins

Gayle Lynn Owens  
Tina Marie Rambo

Scott Wright Webb

### **Continuing Education Course Approval**

A motion was made by Ms. Woods and seconded by Ms. Hicks to not approve the following continuing education course:

Mr. Earle Wilson, LMT, and Mr. Ted Helms, RCR, submitted a course outline and course description for a continuing education class in massage and reflexology. Mr. Helms is approved to teach the reflexology courses, but not qualified to teach a massage therapy course due to him not being a licensed massage therapist. The Board requested for Mr. Wilson resubmit the course outline and description with copies of materials to be utilized in the course and copies of these course materials as pursuant to rule 0870-1-.12 (4) (c) 1 thru 7, and the materials will be reviewed at the next Board meeting. The motion carried.

### **Continuing Education Waiver Requests**

Susan Price – The Board reviewed the request for a waiver. A motion was made by Ms. Hicks and seconded by Ms. Salyers to send a letter explaining to Ms. Price that she has until 12-31-04 to complete the C.E.'s requirements and a waiver is not required at this time. The motion carried.

Paula Templeton – The Board reviewed the request for an extension. A motion was made by Ms. Woods and seconded by Ms. Salyers for Ms. Templeton to obtain 37 ½ c.e. hours by December 31, 2004. The 37 ½ c.e. hours will cover the 12 ½ c.e. hours for the year 2002 and 25 hours for the 2003 and 2004 c.e. calendar year. The motion carried.

Jeff Hodges – The Board reviewed the request for a waiver of his 2002 continuing education hours. Mr. Hodges submitted a 2002 c.e. certificate on Reiki. A motion was made by Ms. Salyers and seconded by Ms. Woods to deny the 2002 c.e. certificate due to Reiki not being massage therapy. The motion carried.

Perry Smith – The Board reviewed the request for a waiver for his 2002 continuing education hours. A motion was made by Ms. Salyers and seconded by Ms. Woods to request Mr. Smith to submit more information to the Board explaining his request. The motion carried.

### **Adjournment**

There being no further business, the meeting was adjourned at 1:00 p.m.

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